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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,978	01/29/2004	Brian T. Denton	BUR920030197US1	1977

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EXAMINER
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KARDOS, NEIL R

ART UNIT	PAPER NUMBER
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3623

MAIL DATE	DELIVERY MODE
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05/20/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/707,978	<b>Applicant(s)</b> DENTON ET AL.	
	<b>Examiner</b> Neil R. Kardos	<b>Art Unit</b> 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/29/04, 2/20/04</u> .  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. This is a **NON-FINAL** Office action on the merits. Currently, claims 8-21 are pending.

***Election/Restrictions***

2. Claims 1-7 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on April 24, 2008.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 8-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 will be used as an example; however the following language appears throughout the claims. Examiner is uncertain what is meant by “exploding” and “imploding” a demand item "through said supply chain network" and "through said set of stocking points." The use of the language is unclear. It appears that "exploding" and "imploding" means searching through a set of stocking points. For examination purposes, this is the interpretation that Examiner will apply to these terms.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 8-21 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. pre-grant publication number 2003/0149631 to Crampton et al (“Crampton”).

Claim 8: Crampton discloses a method of allocating supply items from a supply chain network using a production planning system, said method comprising:

- inputting a customer order comprising part numbers and a customer location (see paragraph 95: lines 38-46);
- deriving a demand item from said customer order, said demand item comprising a part number of said part numbers and said customer location (see id.; see also paragraph 99: lines 1-10; paragraph 103: lines 1-9);
- exploding said demand item through said supply chain network to identify a set of stocking points for said part number that have shipping routes connected to said customer location (see paragraph 131: lines 9-21; paragraph 132);
- imploding said demand item through said set of stocking point to:
- identify ones of said stocking points that have the current ability to supply said part number as active stocking points (see paragraph 131: lines 38-41; paragraph 133); and

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- identify ones of said stocking points that do not have the current ability to supply said part number as inactive stocking points (see id.);
- removing said inactive supply stocking points from said set of stocking points to allow only active stocking points to remain (see paragraphs 131, 135); and
- allocating said active stocking points to said customer order using said production planning system to produce a material allocation plan (see paragraph 131: lines 55-58).

Claim 9: Crampton discloses repeating said method for different customer orders (see paragraph 131: lines 59-61).

Claim 10: Crampton discloses wherein said exploding process considers substitutes for said part number (see paragraph 150; paragraph 153: lines 36-45; paragraph 277).

Claim 11: Crampton discloses wherein said imploding considers available inventory of said part number (see paragraph 153: lines 34-36), capability to manufacture said part number (see paragraph 153: lines 34-45; paragraph 176), and scheduled future delivery of said part number (see paragraph 153: lines 34-45; paragraphs 210-211).

Claim 12: Crampton discloses wherein said exploding and imploding processes are carried out recursively (see paragraph 131: lines 49-61).

Claim 13: Crampton discloses wherein said exploding and imploding processes reduce the amount of data that is processed by said production planning system in said allocating process (see paragraphs 131-136).

Claim 14: Crampton discloses:

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- deriving additional demand items from said customer order, each of said additional demand items comprising a different part number of said part numbers and said customer location (see paragraph 95: lines 38-46; paragraph 131: lines 58-61); and
- repeating said exploding and said imploding for said additional demand items derived from said customer order to produce a set of active stocking points (see paragraph 131: lines 58-61).

Claim 15: Claim 15 is substantially similar to claims 8 and 14 and is rejected for similar reasons.

Claim 16: Claim 16 is substantially similar to claim 9 and is rejected for similar reasons.

Claim 17: Claim 17 is substantially similar to claim 10 and is rejected for similar reasons.

Claim 18: Claim 18 is substantially similar to claim 11 and is rejected for similar reasons.

Claim 19: Claim 19 is substantially similar to claim 12 and is rejected for similar reasons.

Claim 20: Claim 20 is substantially similar to claim 13 and is rejected for similar reasons.

Claim 21: Claim 21 is substantially similar to claim 8 and is rejected for similar reasons.

Crampton discloses a computer-readable medium as well as a method (see e.g. paragraph 59).

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- U.S. pre-grant publication number 2002/0133387 to Wilson et al, directed to order fulfillment and supply chain management.
- U.S. pre-grant publication number 2002/0188499 to Jenkins et al, directed to ensuring order fulfillment.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neil R. Kardos whose telephone number is (571) 270-3443. The examiner can normally be reached on Monday through Friday from 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Van Doren can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Neil R. Kardos  
Examiner  
Art Unit 3623

nrk  
5/15/08

/Romain Jeanty/  
Primary Examiner, Art Unit 3623